

To be argued by
Joseph S. Barone
Pro Se.

New York County Clerk's Index Number 04983-18

Supreme Court of the State of New York
Appellate Division – Third Department

THE MATTER OF THE PETITION OF
JOSEPH S. BARONE,

Plaintiff - Appellant – Respondent

AD No.
529302

-against-

THE LAWYERS' FUND FOR CLIENT PROTECTION
OF THE STATE OF NEW YORK,
TIMOTHY O'SULLIVAN,
in his official capacity as EXECUTIVE DIRECTOR,
Defendants – Respondents - Appellants

Motion to Reinstate

Joseph S. Barone
4715 Harvest Drive
Myrtle Beach, SC 29579
843.465.6560

Come the Plaintiff Appellate in the above entitled action, Joseph Steven Barone, and moves this Court

To reinstate his appeal for any and several of the following reasons

1. Plaintiff Appellate is a layman untrained in the law.
2. Plaintiff Appellate suffers from mental problems, See affidavits.

1. J. Vandergriff, MD dated 25 November 2019
2. David S, Breindal, MD dated 1 September 2013

Attached hereto as Exhibit A and B, respectively.

3. That disability caused Plaintiff Appellate to make some simple mistakes to wit (Plaintiff Appellate was assisted by Shannon Ross, who is no more knowledgeable than he is) Account by Shannon Ross:

I, Shannon Ross, do hereby swear that the following account is true and factual. While assisting Joseph Barone in preparing and mailing his pro se appeal, we did make the mistake of addressing the filing to the incorrect addressee. In our defense, the addresses are very similar, we had filed the notice of appeal to the proper court, and thus submitted the appeal to same. Additionally this entire process and it's procedures is confusing, and at times overwhelming to inexperienced laymen such as Joseph and myself. It is especially challenging while attempting to navigate the legal quagmire and manage Joseph's PTSD as concentration and focus, as well as impulse control are daily hurdles for Joseph and anyone vested in his care.

Come the Plaintiff Appellate in the above entitled action, Joseph Steven Barone, and moves this Court

To reinstate his appeal for any and several of the following reasons

1. Plaintiff Appellate is a layman untrained in the law.
2. Plaintiff Appellate suffers from mental problems, See affidavits.

1. J. Vandergriff, MD dated 25 November 2019
2. David S, Breindal, MD dated 1 September 2013

Attached hereto as Exhibit A and B, respectively.

3. That disability caused Plaintiff Appellate to make some simple mistakes to wit (Plaintiff Appellate was assisted by Shannon Ross, who is no more knowledgeable than he is) Account by Shannon Ross:

I, Shannon Ross, do hereby swear that the following account is true and factual. While assisting Joseph Barone in preparing and mailing his pro se appeal, we did make the mistake of addressing the filing to the incorrect addressee. In our defense, the addresses are very similar, we had filed the notice of appeal to the proper court, and thus submitted the appeal to same. Additionally this entire process and it's procedures is confusing, and at times overwhelming to inexperienced laymen such as Joseph and myself. It is especially challenging while attempting to navigate the legal quagmire and manage Joseph's PTSD as concentration and focus, as well as impulse control are daily hurdles for Joseph and anyone vested in his care.

Sworn to under penalty of perjury



Joseph S Barone



Shannon Ross



Notary Joseph S. Barone

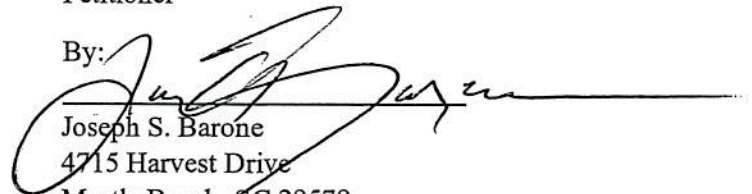
My Commission Expires September 17, 2021

April 2, 2020
Myrtle Beach, South Carolina

To:
STATE OF NEW YORK
SUPREME COURT, APPELLATE DIVISION
THIRD JUDICIAL DEPARTMENT
PO BOX 7288
CAPITOL STATION
ALBANY, NEW YORK 12224

JOSEPH S. BARONE
Petitioner

By:



Joseph S. Barone
4715 Harvest Drive
Myrtle Beach, SC 29579
843.465.6560

Cc to:
ASSISTANT ATTORNEY GENERAL
RICHARD L. RODGERS, ESQ:
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL
ALBANY, NEW YORK 12224-0341
518.776.2165

STATE OF NEW YORK
APPELLATE DIVISION

SUPREME COURT
THIRD DEPARTMENT

The Matter of the Petition of
Joseph S Barone

MOTION FOR

v

The Lawyer's Fund For Client Protection
of The State of New York

Reinstatement

Appellate Division Case No.

529302

PLEASE TAKE NOTICE that, upon the annexed affidavit, sworn to the 2nd day of April, 20 20, a motion will be made at a term of this Court to be held in the City of Albany, New York, on the 20th day of April, 20 20, for an order (Specify relief which you seek.):

Reinstate Appeal

Dated: 4/2/2020

(Signature) Joseph S Barone

(Print Name) Joseph Barone

(Address) 4715 Harvest Dr

Myrtle Beach, SC 29579

(Telephone) 843-465-6560

PLEASE TAKE NOTICE that, pursuant to section 1250.4 (a) (7) and (8) of the Practice Rules of the Appellate Division, this motion will be submitted on the papers, and the personal appearance of counsel or the parties is neither required nor permitted.

AFFIDAVIT IN SUPPORT OF MOTION

STATE OF ~~NEW YORK~~ South Carolina

COUNTY OF Horry ss.:

Joseph Barone, being duly sworn, deposes and says:

1. I am the Plaintiff - Appellant in the above-entitled action.

I have appealed to the Appellate Division from an order or judgment of the Court of Claims
Court of Albany County, dated 2 April 2020
(Specify the status of the appeal.)

Dismissed

2. By this motion I seek the following relief:

Reinstatement of Appeal - Extension for Correction

3. The grounds for the motion and reasons the relief should be granted are:

(Attach additional documentation, if necessary)

Appeal was filed in a timely manner but sent to the wrong address by plaintiff who suffers from mental illness + his caregiver who is not experienced in such filings/matters.

(Signature)

(Print Name)

Joseph Barone

Sworn to before me this 2nd
day of April, 2020.

[Signature]
Notary Public

My Commission Expires September 17, 2024

AFFIDAVIT OF SERVICE OF MAILING

STATE OF ~~NEW YORK~~ South Carolina)
COUNTY OF Horry) ss.:

Joseph Barone, being duly sworn, deposes and says:

On the 2nd day of April, 20 20, I served a true copy of the annexed notice of motion and supporting affidavit by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known addressee(s) as indicated below:

(Insert here the name[s] and address[es] of the person[s] to whom you are mailing the papers being filed with this Court. If necessary, attach extra pages for additional names and addresses.)

Name & Address	Name & Address
Richard L. Rodgers Esq,	Supreme Court Appellate Division
Office of the Attorney General	Third Department
The Capitol	Box 7288
Albany, New York 12224-0341	Capital Station
518-776-2165	Albany NY 12224

(Signature)

(Print Name)

Joseph Barone

Sworn to before me this April 2nd
day of April, 20 20.

[Signature]
Notary Public

My Commission Expires September 17, 2024